OIPE JC173 DEC 23 2004 PATENT & TRADEMARK OFFICE

IFW

Patent Application
Attorney Docket No.9430B

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Hon. Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on this 21st day of December 2004.

By _____
(Signature of person mailing)
Madeline Deveran
(Typed or printed name of person)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:
Mark Edward Bunnage

APPLICATION NO.: 10/808,027

FILING DATE: March 23, 2004

TITLE: Pyrazolopyrimidinones Which Inhibit Type 5 Cyclic Guanosine 3',5'-Monophosphate Phosphodiesterase (cGMP-PDE5) For The Treatment of Sexual Dysfunction

Examiner: Balasubramanian, V.

Group Art Unit: 1624

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE

This is in response to the Office Action mailed September 27, 2004, having a response due December 27, 2004.

REMARKS

Rejection of Claims 22-23 under 35 U.S.C. § 103(a) – Dunn et al

The Examiner rejected Claims 22-23 under 35 U.S.C. § 103(a) as being unpatentable over Dunn et al (U.S. 5,955,611). In particular, the Examiner contends that while Dunn et al does not anticipate the instant claims, the compounds are very closely related having R^{10} as a methyl group on the nitrogen of the piperazine group, instead of hydrogen, as claimed in 22 and 23. The Examiner states that compounds differing only in having H versus methyl groups are not patentably distinct, absent evidence of superior or unexpected properties. According to the Examiner, one of ordinary skill in the art would be motivated to make such homologs, using the same process taught in Dunn et al.